

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRETT M. McCLAFFERTY,)	
)	CASE NO. 5:19CV2219
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
PORTAGE COUNTY BOARD)	
OF COMMISSIONERS, <i>et al.</i> ,)	
)	ORDER
Defendants.)	[Resolving ECF Nos. 17 and 22]

I.

Pending is Defendant Correct Care Solutions, LLC's Motion to Strike Plaintiff's Surreply Brief ([ECF No. 17](#)).

Pro Se Plaintiff Brett M. McClafferty filed a Surreply Brief ([ECF No. 15](#)) in this prisoner civil rights case. The brief was filed without leave of court.

The primary purpose for allowing the moving party to serve and file a reply memorandum in support of a motion¹ is so it can respond to any new issues raised by the memorandum in opposition. Consideration of Plaintiff's Surreply Brief would frustrate the purpose of allowing Defendant Correct Care Solutions, LLC to be the first and last to be heard on its pending Motion to Dismiss ([ECF No. 9](#)). *See Bickerstaff v. Cuyahoga Cty.*, No. 1:18CV1142, 2019 WL 7500494, at *6 (N.D. Ohio, Aug. 12, 2019) (Parker, M.J.) (citing *Key v. Shelby Cty.*, 551 Fed.Appx. 262, 265 (6th Cir. 2014) ("the Federal Rules of Civil Procedure do not expressly

¹ *See Local Rule 7.1(e).*

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permit the filing of sur-replies”)), *report & recommendation adopted, 2019 WL 5303967 (N.D. Ohio Oct. 21, 2019)* (Barker, J.); *In re Steinle, 835 F. Supp.2d 437, 443-44 (N.D. Ohio 2011)* (Katz, J.) (same).

Accordingly, Defendant Correct Care Solutions, LLC’s Motion to Strike Plaintiff’s Surreply Brief ([ECF No. 17](#)) is granted. Plaintiff’s Surreply Brief ([ECF No. 15](#)) is stricken from the file. Plaintiff is reminded that he has an obligation to follow the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Ohio.

II.

Also pending is Plaintiff’s Motion for Enlargement of Time to Respond to Any Pending or Subsequent Motions ([ECF No. 22](#)). For good cause shown, the motion is granted only as to Defendants Portage County Board of Commissioners, David W. Doak, Dale Kelly, Daniel Burns, Bryan Morgenstern, William Burns, Cory Germani, Michael Burda, and Amy Beans’ (“Portage County Defendants”) pending Motion for Judgment on the Pleadings ([ECF No. 19](#)). On or before May 22, 2020, Plaintiff shall give to prison authorities for mailing his Response to [ECF No. 19](#). [ECF No. 22](#) is denied in all other respects.

IT IS SO ORDERED.

April 13, 2020
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge